

REMARKS

Claims 1-7, 9, and 11-16 are pending. Claims 8 and 10 were previously cancelled without prejudice. Claims 1, 6, and 11 are independent claims. No claims are amended in this response. The claims are listed for the Office's reference. Reconsideration and allowance of the above-referenced application are respectfully requested.

35 U.S.C. § 103

Claims 1-7, 9, and 11-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banga et al. (US 5,931,904), hereinafter "Banga," in view of Smith et al. (US 7,139,844), hereinafter "Smith." Applicants respectfully disagree.

a. Independent claims 6 and 11 have not been adequately addressed

In response to the prior Office Action mailed on February 8, 2008, Applicants amended claims 6 and 11. However, in the current Office Action, the Office fails to adequately address the newly added limitations of these claims. Rather, the Office has grouped the rejections of claims 6 and 11 with claim 1¹. In doing so, the Office has failed to address each of the limitations of claims 6 and 11. Specifically, the Office fails to provide support for the assertion that the proposed combination of Banga and Smith teaches the following features of claim 6:

- i. identifying a plurality of content versions at a server coupled to the client interface, each content version having a different amount of information at the server, each content version being optimized for a specific connection speed;
- ii. determining, based on the connection speed between the remote terminal and the client interface, that the requested content version is too large in size for the remote terminal to provide; or

¹ As per claims 1, 6, 11 Banga-Smith disclosed a method of enhancing data delivery comprising: sending a first packet from a client interface to a remote terminal at a first time; receiving at the client interface a second packet from the remote terminal at a second time (col. 3, lines 22-36); providing a plurality of different content versions, each is having a different amount of information, each content version being optimized for a specific connection speed (col. 3, lines 3-15); based on said connection speed, automatically selecting a content version from said plurality of content versions, and is providing the remote terminal with the selected content version (col. 5, lines 32-47). *See, Office Action*, page 2, 2nd paragraph.

- iii. selecting an alternative content version of the plurality of content versions, the alternative content version smaller in size than the requested content version.

Accordingly, the rejections of claim 6 and all claims dependent therefrom are improper.

Claim 11 includes similar added limitations to claim 6. As with claim 6, the Office Action fails to address these limitations. The rejections of claim 11 and all claims dependent therefrom are also improper at least for reasons similar to claim 6.

As such, if the rejections are to be maintained, Applicants request that the Office provide documentary support to support any assertion that the proposed combination of Banga and Smith teach each of the limitations of claims 6 and 11.

b. Previous remarks with respect to claim 1 have not been addressed

With respect to claim 1, Applicants respectfully submit that the Office has not adequately addressed the positions set forth by the Applicants in the reply to the Office Action that was filed on August 5, 2008. In this regard, the Office Action states:

Applicant argued that Banga did not disclose “Determining a response time of the remote terminal at the client interface based on a time period between the first time and the second time”.

See, Office Action, page 5, 4th paragraph.

Subsequently, the Office Action cites a portion of Banga² as teaching the claimed determining. This position of the Office directly contradicts the Office’s position that Banga does not teach the claimed determining feature, as set forth in this Office Action and in previous Office Actions. *See, e.g., Office Action*, page 2, last paragraph – page 3, 1st paragraph (stating “However Banga-Smith did not disclose, ‘determining a response time of the remote terminal at the client interface based on a time period between the first time and the second time; using said response time to determine information related to a connection speed between the remote terminal and the client

² As to applicant’s argument Banga disclosed,” The remote proxy determines whether or not the newly received data differ from the cached data. This could be determined by an actual file comparison or by comparing date/time stamps. Alternatively, the newly received data may simply be a message from the content provider that the version that was cached is still current” (col. 11, lines 58-63). *See, Office Action*, page 5, last paragraph – page 6, 1st paragraph.

interface’.”) As such, if this rejection is to be maintained, Applicant requests that the Office clarify what portion of Banga discloses evidence to support the Office’s assertion.

Further, in support of the contention that Banga teaches the claimed “based on said determined connection speed, automatically selecting a content version from said plurality of content versions,” the Office cites Banga, col. 5, lines 32-47. As explained in the response to the Office Action filed on August 5, 2008, the cited portion of Banga does not teach selecting between two versions of a page.³ In response, the Office Action cites Banga, col. 12, lines 28-34, which states:

At step 659, difference data are determined for a current received portion of the new page data. Next, at test 60, it is determined whether or not there are any partial differences being held (the first time through, the answer will always be no). If not, then at test 61 it is determined whether or not the size of the current partial difference exceeds a minimum threshold for transmission as discussed above. If not, then at step 62 it is determined whether or not the page is complete.

See, Banga, col. 12, lines 28-35.

However, the cited portion does not teach selecting a content version at all. Rather, the cited portion describes determining a partial difference, comparing a size of the partial difference with a minimum threshold, and determining if a page is complete. Applicants respectfully submit that Banga fails to disclose or suggest “based on said determined connection speed, automatically selecting a content version from said plurality of content versions,” at least for the previously described reasons.

For these reasons, Applicants respectfully request that the Office consider the amendments and remarks presented previously.

³ Banga describes storing the compressed versions in cache in place of the uncompressed versions. Thus, as disclosed in Banga, if a compressed version of a page is available as the cached version, the uncompressed version is not available. Thus, Banga does not select between an uncompressed version and a compressed version of a page because there is no uncompressed version available to select. Also, because Banga replaces the uncompressed version with the compressed version, Banga does not describe selecting a version based on the connection speed between the remote and local proxies. Rather, in Banga, only the uncompressed version is available for transmission. Therefore, contrary to the Office’s contention, Banga does not disclose “based on said determined connection speed, automatically selecting a content version from said plurality of content versions,” as claimed. See, Reply to Office Action filed on August 5, 2008, page 12, 2nd paragraph.

c. Proposed combination of references fails to disclose or suggest features of claim 1

Neither Banga nor Smith, taken alone or in any combination, describe all the features of claim 1 for the reasons presented in the Reply to the Office Action filed on August 5, 2008 (a portion of which is reproduced below⁴) and for the following additional reasons. Claim 1 recites, in part, “sending a first packet from a client interface to a remote terminal at a first time; receiving at the client interface a second packet from the remote terminal at a second time.” Claim 1 further describes using a response time based on a time period between the first time and the second time, determining a connection speed between the remote terminal and the client interface and providing a content version from among multiple content versions, each of which is optimized for a specific connection speed.

Banga does not teach these features of claim 1 because Banga does not provide multiple content versions. Instead, for reasons described previously (see footnote 4),

⁴ Thus, Banga describes calculating a difference data between a current page received at a remote proxy and a version of the page already available at the local proxy. Contrary to the Office’s contention, Banga does not teach determining a response time based on a time period between a first time for sending a first packet from a client packet and a second time for receiving a second packet. Rather, Banga teaches calculating difference data between a cached version and a current version of a World Wide Web page. Therefore, clearly, Banga does not describe or suggest “sending a first packet from a client interface to a remote terminal at a first time; receiving at the client interface a second packet from the remote terminal at a second time,” as claimed. See, Reply to the Office Action filed on August 5, 2008, page 9, 2nd paragraph.

Neither Banga’s cached version, nor current version nor difference data is optimized based on the connection speed between the local proxy and the remote proxy. No portion of Banga teaches optimizing the current version or the difference data based on the connection speed between Banga’s local proxy and remote proxy. Although Banga describes comparing the sizes of the difference data and the current version, Banga does not describe or suggest any optimization. See, e.g., Banga, col. 4, lines 12-15. Therefore, Banga does not teach the claimed “each content version being optimized for a specific connection speed.” Even if one of the criteria that Banga uses to decide whether to transmit the difference data or the current version may be the connection speed between the remote proxy and the local proxy, Banga does not teach that the difference data or the current version are optimized based on the connection speed. See, Reply to the Office Action filed on August 5, 2008, page 11, 1st paragraph.

Banga describes storing the compressed versions in cache in place of the uncompressed versions. Thus, as disclosed in Banga, if a compressed version of a page is available as the cached version, the uncompressed version is not available. Thus, Banga does not select between an uncompressed version and a compressed version of a page because there is no uncompressed version available to select. Also, because Banga replaces the uncompressed version with the compressed version, Banga does not describe selecting a version based on the connection speed between the remote and local proxies. Rather, in Banga, only the uncompressed version is available for transmission. Therefore, contrary to the Office’s contention, Banga does not disclose “based on said determined connection speed, automatically selecting a content version from said plurality of content versions,” as claimed. See, Reply to the Office Action filed on August 5, 2008, page 12, 2nd paragraph.

Banga provides only one content version, namely, a compressed version. Further, although Banga describes a cached version, a current version, and difference data representing the difference between the cached and current versions, no portion of Banga describes or suggests that any of the versions are optimized for a specific connection speed. In fact, no portion of Banga discloses determining connection speed or relying upon connection speed to determine whether to provide a cached version, current version, or difference data.

In support of the contention that Banga teaches sending and receiving as recited in claim 1, the Office cites Banga (col. 3, lines 22-36), which states:

In order for the remote proxy to be able to send the difference data to the local proxy, it must calculate the difference data by comparing the current page, once it is received at the remote proxy, to the version of the page already available at the local proxy.

See, Banga, col. 3, lines 22-36.

Thus, Banga discloses determining difference data by comparing the current page to the version of the page already available. To do so, Banga describes an actual file comparison, a comparison of date/time stamps, or reliance on a receipt of a message from a content provider that the cached version is still current⁵. Clearly, Banga does not describe calculating the difference data or comparing the current page to the version of the page already available by sending or receiving data packets to determine a response time, as claimed. Because Banga does not send a first packet or receive a second packets, Banga does not determine the claimed response time based on a time period between sending the first packet and receiving the second packet.

Further, the proposed combination of Banga and Smith does not disclose or suggest using the claimed response time to determine information related to a connection speed between the remote terminal and the client interface, providing multiple different content versions, each having a different amount of information, each

⁵ The remote proxy determines whether or not the newly received data differ from the cached data. This could be determined by an actual file comparison or by comparing date/time stamps. Alternatively, the newly received data may simply be a message from the content provider that the version that was cached is still current. See, Banga, col. 11, lines 58-63.

content version being optimized for a specific connection speed, or automatically selecting a content version based on said determined connection speed, as claimed.

Thus, claim 1 and all claims dependent therefrom are patentable over the proposed combination of Banga and Smith.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant asks that all claims be allowed. Please apply any credits or additional charges to deposit account 06-1050.

Respectfully submitted,

Date: December 17 2008

/ Sushil Shrinivasan L0368 /

Sushil Shrinivasan

Reg. No. L0368

Fish & Richardson P.C.
PTO Customer No. 20985

Telephone: (202) 783-5070
Facsimile: (877) 769-7945